

**State of New Hampshire  
Office of Licensed Allied Health Professionals  
Speech-Language Pathology Governing Board  
Concord, New Hampshire**

In the Matter of:  
Gretchen M. Finchum  
(Application for Reinstatement of License)

**ORDER ON APPLICATION DENIAL**

The New Hampshire Governing Board of Speech-Language Pathology ("Board") received an application on July 24, 2008 for Ms. Gretchen M. Finchum, SLP ("Ms. Finchum" or "Petitioner") for license reinstatement to practice Speech-Language Pathology in the State of New Hampshire. For the following reasons, the Board has voted to **DENY** the Petitioner's request for reinstatement.

**Background**

The Petitioner had been licensed to practice Speech-Language Pathology in the State of New Hampshire. On December 31, 2007, the Petitioner's license lapsed due to her failure to submit her renewal application.

The administrative functions of the Speech-Language Pathology Governing Board are done in the Office of Licensed Allied Health Professionals (also known as the "Board's office"). On January 28, 2008, Ms. Finchum called the Board's office to obtain an application for initial licensure. The Board's office mailed this application to Ms. Finchum on or about January 30, 2008. On July 8, 2008, the Office of Licensed Allied Health Professionals received an application for initial licensure and only the first page of a renewal application for Ms. Finchum. On or about July 9, 2008, the Board's Administrator, Tina Kelley, mailed Ms. Finchum a letter explaining that because her license had lapsed on December 31, 2007, she would need to file an application for reinstatement. On July 24, 2008, the Office of Licensed Allied Health Professionals received Ms. Finchum's completed reinstatement application.

On July 29, 2008, the Board's office received a telephone call from a female employee of the Nashua School District inquiring as to whether or not Ms. Finchum was holding a valid speech-language pathology license. The caller stated that a parent from that school district, who had informed the district that she had to stop the speech-language therapy services of

Ms. Finchum, was inquiring as to whether or not Ms. Finchum ever held a valid license. Traci Webber, the Board's Executive Secretary, instructed the caller about the process of filing a complaint. On August 19, 2008, the Board's office received a letter of complaint from Janice Arcaro of the Nashua School District. She outlined in this complaint how a parent of the special education student submitted a request to the Nashua School District for reimbursement of \$1205.00 for speech-language therapy services provided by Ms. Finchum between February 15, 2008 and June 6, 2008. The parent was advised by the Nashua School District that they could not be reimbursed because an unlicensed speech-language pathologist provided these services.

On September 11, 2008, the Board's office received a letter from Robert L. Page and Amy K. Page stating that Ms. Finchum provided speech-language services to their three and a half (3 1/2) year old daughter from February 15, 2008 through June 6, 2008. They wrote that they paid her a total of \$1205.00 for these services.

On September 25, 2008, the Board's office received a letter of complaint from Lynne K. Thomas, PT, a physical therapist with Family Centered Early Supports and Services. Ms. Thomas stated that Ms. Finchum was employed by Easter Seals Early Intervention Program as a speech-language pathologist until August 28, 2008. The Petitioner had informed Ms. Thomas and Ann Smith on August 21, 2008 that she had forgotten to renew her license and that her license was not being reinstated pending an investigation. Ms. Thomas further wrote that it came to her attention that the copy of Ms. Finchum's license that Ms. Finchum gave to the Easter Seals Early Intervention's insurance credentialing specialist had an expiration date of December 31, 2008. Upon further investigation they realized "that the copy of her license had been altered to reflect an expiration date of December 31, 2008".

At its regularly scheduled monthly meeting of August 2008, the Board reviewed the Petitioner's application as well as the letters outlined above. At the meeting, the Board voted to forward these complaints to the Administrative Prosecutions Unit ("APU") of the Office of the Attorney General for investigative assistance. At its regularly scheduled monthly meeting of April 2009, the Board received a confidential Report of Investigation ("ROI") from the APU. In the ROI, the Petitioner was quoted as having stated to two APU investigators: "On or around January or February I started in a spiral with my mental health. Recently I've been under the care of a professional who diagnosed me with a major depressive disorder, a significant anxiety

disorder, and possible ADHD. I've received medication and treatment and am completely committed to getting better."

At its regularly scheduled monthly April 2009 meeting, the Board voted to deny the Petitioner's license for reinstatement.

**Relevant Law:**

RSA 328-F:28, II:

Misconduct sufficient to support disciplinary proceedings shall include:

- (a) Knowingly or negligently providing inaccurate material information to the board or failing to provide complete and truthful material information upon inquiry by the board, including during the process of applying for a license, license renewal, and license reinstatement.
- (c) Violation of the ethical standards adopted by the governing board.
- (i) Practice without a currently valid license.
- (j) Violation of any provision of this chapter, of any governing board's practice act or rule adopted pursuant to RSA 541-A ....

RSA 328-F:27 II, Unauthorized Practice:

- II. Practice of an allied health professional by any person who is not, and was never, licensed to practice such profession shall constitute unauthorized practice....

RSA 326-F:3, I:

To be eligible for initial licensure as a speech-language pathologist an applicant shall:

- (a) Demonstrate sufficient evidence of good professional character and reliability to satisfy the board that the applicant shall faithfully and conscientiously avoid professional misconduct and adhere to this chapter, RSA 328-F and the board's rules.

RSA 326-F:8 :

- II. No person shall represent himself or herself or the services offered by using the letters "SLP" or the words "speech-language pathologist" ... or any similar words if the intent of such use is to imply that the person is licensed, unless licensed under this chapter.
- III. Any person who states or implies by word or act that he or she is currently licensed to practice speech-language pathology at a time when she or he does not hold a currently valid license shall be guilty of a misdemeanor.

Spe 404.01(h):

Misconduct shall be:

- (h) Practice without a currently valid license or certificate.

Spe 403.05(b):

(b) The effect of the reinstatement applicant's notarized signature on the application form shall be:

- (1) The applicant's acknowledgement that knowingly making a false statement on the application form is a misdemeanor under RSA 641:2, I;
- (2) The applicant's certification that:

- a. The information provided on all of the parts of the application form and in the documents personally submitted to support the application is complete and accurate to the best of the applicant's knowledge and belief; and
  - b. The applicant has read the statute and administrative rules of the board; and
- (3) The applicant's promise to abide by the statutes and administrative rules of the board.

*Principle of Ethics III, Rule A:*

Individuals shall not misrepresent their credentials, competence, education, training, experience, or scholarly or research contributions.

*Principle of Ethics IV, Rule B:*

Individuals shall not engage in dishonesty, fraud, deceit, misrepresentation, sexual harassment, or any other form of conduct that adversely reflects on the professions or on the individual's fitness to serve persons professionally.

**Findings of Fact and Rulings of Law:**

- The Petitioner practiced speech-language pathology after her license lapsed on December 31, 2007. The Petitioner practiced without a license from January 1, 2008 until August 21, 2008 for a child within the Nashua School District. This is a violation of RSA 328-F:23, II(i); RSA 328-F:23, II(j); RSA 328-F:27, II; RSA 326-F:8, II; RSA 326-F:8, III; Spe 404.01(h); and Principle of Ethics III, Rule B.
- The Petitioner practiced speech-language pathology after her license lapsed on December 31, 2007. The Petitioner practiced without a license until August 28, 2008 for Easter Seal's Early Intervention Program. This is a violation of RSA 328-F:23, II(i); RSA 328-F:23, II(j); RSA 328-F:27, II; RSA 326-F:8, II; RSA 326-F:8, III; Spe 404.01(h); and Principle of Ethics III, Rule B.
- The Petitioner submitted a license to Easter Seals Early Intervention Program that had its expiration date of December 31, 2007 changed to December 31, 2008. While the Board is not making a finding at this time about who altered Ms. Finchum's license, the Board is making a finding that Ms. Finchum intentionally provided the altered license and that she purposely misrepresented the expiration date on her license for

- purposes of employment. This is an apparent violation of RSA 638:1, I (a). This is a violation of RSA 328-F:23, II (c); Principle of Ethics III, Rule B and Principle of Ethics IV, Rule B.
- On the Board's reinstatement application, the Petitioner responded "No" to the question: "[Have you] Ever been treated for misuse of any chemical substance, or any physical, or psychological disturbance which might impair your ability to practice?" The Petitioner later provided contradictory information in her statements to the APU investigators. This is in violation of RSA 328-F:23, II(a); Spe 403.05(b)(1),(2) and (3).
- The Petitioner has not demonstrated to the Board "sufficient evidence of good professional character and reliability" as evidenced by her practicing without a license between January 1 and August 21, 2008, submitting a forged license to Easter Seals, and not responding affirmatively on the reinstatement application to the question described above about the Petitioner's ability to practice. This is in violation of RSA 326-F:3, I(a), Principle of Ethics III, Rule B, and Principle of Ethics IV, Rule B.

**Conclusion:**

For the reasons stated above, and in light of RSA 328-F:23, V, the Petitioner's application for reinstatement is **DENIED**.

THEREFORE IT IS ORDERED this Order on Application Denial ("Order") will become a 'final order' within fifteen (15) days of the effective date of this Order, as defined further below, unless prior to 4:00 p.m. on the fifteenth day of the effective date of this Order, unless the Board receives a written request for a hearing; and

IT IS FURTHER ORDERED that receipt of a timely filed hearing request shall automatically stay this Order and a further order shall be issued in due course in which the Board establishes a date and time of the hearing, and specifies the issues to be heard; and

IT IS FURTHER ORDERED that any hearing held in response to this Order shall be a non-adjudicatory hearing conducted pursuant to RSA chapter 326-F; RSA chapter 328-F and RSA

chapter 541-A. The Petitioner may request to be heard on any relevant matter of law or fact, but evidentiary proceedings shall be conducted only to the extent the Petitioner has identified disputed factual issues which require resolution. This non-adjudicatory hearing will be conducted in non-public session unless the Petitioner makes a timely written request to conduct it in public session. Subsequent to such hearing, the Board will issue a 'final order' within the statutory amount of time; and


IT IS FURTHER ORDERED that by analogy to RSA 318:31, V, a 'final order' is a public document; and

IT IS FURTHER ORDERED that once a Board order is a 'final order' in accordance with either of the circumstances outlined above, the petitioner has thirty (30) days to file a request for reconsideration pursuant to RSA 541:3. Such motion shall comply with RSA 541:4.

IT IS FURTHER ORDERED THAT THIS Order shall take effect as an Order of the Board on the date it is signed by an authorized representative of the New Hampshire Governing Board of Speech-Language Pathology.

BY ORDER OF THE BOARD

Date: June 5, 2009

  
Tina M. Kelley, Administrator  
Authorized Representative of the  
Speech-Language Pathology Governing Board